

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-14338 - APPLICANT: CASINO CENTER PROPERTIES
- OWNER: FIRST STREET PROPERTIES, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2/se/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-14325) to a C (Commercial) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-14349) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. A Petition of Vacation, such as VAC-12884, to eliminate the existing alley rights-of-way in conflict with this site plan shall record prior to the recordation of a Final Map for this site. Dedicate a 20-foot wide alley along the northern side of Assessor's Parcel No. 139-34-812-075 to connect to Ninth Street (including a radius) acceptable to the City Engineer immediately after recordation of the Order of Vacation.
5. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary; comply with the recommendations of the City Surveyor.
6. Dedicate a 25-foot radius on the northwest corner of 10th Street and Charleston Boulevard and on the corner of Charleston Boulevard and Gass Avenue. Dedicate an additional 10 feet of right-of-way for a total 25-foot radius corner on the northeast corner of Gass Avenue and Ninth Street.
7. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

8. Construct all incomplete half-street improvements adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
9. A sanitary sewer relocation plan must be submitted to and approved by the Collection Systems Planning Section of the Department of Public Works prior to the issuance of any permits. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
10. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
11. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Rezoning from P-R (Professional Office and Parking and R-4 (High Density Residential) to C-1 (Limited Commercial) on 0.52 acres at 700, 708 and 712 South 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, VAR-14342, VAR-14345, VAR-14347, SUP-14339, VAC-12884 and SDR-14349.

EXECUTIVE SUMMARY

The proposed Rezoning is consistent with the existing and proposed land use designations, and meets the minimum standards for the C-1 (Limited Commercial) zoning district. While the uses allowed under the proposed zoning are generally acceptable for the area, the intensity of the proposed development is in appropriate for its context.

BACKGROUND INFORMATION

A) *Related Actions*

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| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9 th Street. The Planning Commission recommended approval of the request on 04/13/72. |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10 th Street. |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 th Street. |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |
| 09/07/06 | The Planning Commission recommended approval of companion items, VAR-14347, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14342, VAR-14345 and SDR-14349 concurrently with this application. |
| 09/07/06 | The Planning Commission voted 5-2/se/sd to recommend APPROVAL (PC Agenda Item #18/ff). |

B) Pre-Application Meeting

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

C) Neighborhood Meetings

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.52

B) Existing Land Use

Subject Property: Single-Family Residential Use
Office Use
North: Office Use
South: Office Use
General Commercial Use
East: Single-Family Residential Use
Office Use
General Commercial Use
West: Single-Family Residential Use
Office Use

C) *Planned Land Use*

Subject Property: MXU (Mixed-Use) [Proposed: C (Commercial)]
North: MXU (Mixed-Use)
South: MXU (Mixed-Use)
C (Commercial)
East: C (Commercial)
West: MXU (Mixed-Use)

D) *Existing Zoning*

Subject Property: R-4 (High-Density Residential) and P-R (Professional Office and Parking) [Proposed: C-1 (Limited Commercial)]
North: R-1 (Single Family Residential)
P-R (Professional Office and Parking)
South: C-1 (Limited Commercial)
East: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-2 (General Commercial)
West: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

E) *General Plan Compliance*

The subject parcels are within the boundaries of the Las Vegas Redevelopment Plan area, and have a MXU (Mixed-Use) land use designation; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

F) Density

<i>EXISTING ZONING</i>	<i>PERMITTED DENSITY</i>	<i>PROPOSED ZONING</i>	<i>PERMITTED DENSITY</i>	<i>GENERAL PLAN</i>	<i>PERMITTED DENSITY</i>
R-4	26-50 du/ac	C-1	N/A	C (Proposed)	N/A
P-R	N/A				(Proposed: 170.7 du/ac)

No residential density limits are specified for the C-1 (Limited Commercial) zoning district. The proposed density of the project will be 170.7 dwelling units per acre.

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following minimum standards must be met to rezone the property to C-1 (Limited Commercial):

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	0.52 acres	N/A
Min. Lot Width	100 Feet	160 Feet	Y

The parcels comply with the minimum size requirements to be rezoned to C-1 (Limited Commercial).

B) General Analysis and Discussion

The proposed Rezoning request will affect three of the parcels that comprise the development site. One of the parcels is currently zoned R-4 (High Density Residential); the remaining two parcels are zoned P-R (Professional Office and Parking). The proposed Rezoning request will allow uniform C-1 (Limited Commercial) zoning on all of the parcels that make up the development site.

The proposed Rezoning is consistent with the current and proposed land use designations, and meets the minimum requirements for the C-1 zoning district regulations as listed in Title 19.08. The properties immediately adjacent to the site include single-family uses, multifamily uses, office uses, and general commercial uses; it is intended that the area will transition from residential uses to professional office, commercial uses, and mixed-use development.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The parcels are currently designated MXU (Mixed-Use), but the applicant has submitted a General Plan Amendment (GPA-14325) to change the designation to C (Commercial). Either the MXU (Mixed-Use) or C (Commercial) land use designations allow C-1 (Limited Commercial); consequently, the request is in conformance with the General Plan.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

The uses allowed under the C-1 (Limited Commercial) zoning district are generally compatible with the surrounding land uses and zoning districts. Several properties in the immediate area are still utilized for single-family residential uses, but the long-range plan for the neighborhood is for conversion to professional office and low-intensity commercial uses.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

The proposed rezoning is in accordance with the current and proposed land use designation for the property. The project as designed is more intense than other existing or proposed developments for the neighborhood, and requires numerous Variances and Waivers. As such, the project does not appear to be appropriate to its context.

4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”

The site immediately abuts Charleston Boulevard, a 100-Foot Primary Arterial as designated on the Master Plan of Streets and Highways, and has adequate capacity to serve the proposed development. The remainder of the site is bordered by 70- and 80-foot wide local streets, which may be impacted by the intensity of the development plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 295 by Planning Dept

APPROVALS 3

PROTESTS 1